

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 1-20 are now present in this application. Claims 1, 12 and 14 are independent. Reconsideration of this application is respectfully requested.

Request for Withdrawal of Finality of Office Action

Applicants respectfully submit that the treatment of claims 1, 12 and 14 on the merits in the Office Action mailed August 2, 2004 was based on an erroneous interpretation of the claims, and finally rejecting claims 1, 12 and 14 was improper, and necessitates that the finality of the Office Action mailed August 2, 2004 be withdrawn.

Particularly, the Examiner rejected claims 1-20 under 35 U.S.C. § 112, 2nd Paragraph, asserting that the grooves in the instant application are disposed on the discharge plate or the suction plate, and therefore the Applicants' claims are indefinite. This is clearly an error on the Examiner's part. Referring to Figs. 2A-2D, for example, a discharge valve 26 has a discharge plate 261, and a suction valve 20 has a suction plate 201. Neither the discharge plate nor the suction plate are designed to have grooves formed thereon. Rather, referring to Fig. 2C, a valve plate has a suction port 221 and a discharge port 222. Grooves may be formed on the valve plate to surround the discharge port/plate and/or

the suction port/plate. The valve plate is not to be confused with the discharge plate or the suction plate.

Due to the Examiner's own error, claims 1, 12 and 14 were not examined on the merits. The Applicants respectfully submit that it was improper for the Examiner to make the rejection a "final" rejection. Accordingly, withdrawal of the finality of the previous Office Action, and an Office Action on the merits with respect to claims 1, 12 and 14 are respectfully requested.

Drawings

The Examiner has approved the Formal Corrected Drawings filed on April 22, 2004.

Rejection Under 35 U.S.C. § 112, 2nd Paragraph

Claims 1-20 stand rejected under 35 U.S.C. § 112, 2nd Paragraph. This rejection is respectfully traversed.

As set forth above, the Applicants respectfully submit the rejection under 35 U.S.C. § 112, 2nd Paragraph is improper. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-3, 7, 11, 14-18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Applicants' disclosed prior art (APA) in view of

Dennedy, and claims 4-6 and 8-10 stand rejected over the APA in view of Dennedy and further in view of Kapadia. Claims 12 and 19 stand rejected under 35 U.S.C. 103(a) of the Applicants' disclosed prior art (APA) in view of Erickson, and claim 13 stands rejected over the Applicants' disclosed prior art in view of Erickson and further in view of Kapadia. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here. The claim amendments and arguments presented in the Amendment filed on April 22, 2004, are incorporated herein in their entirety by reference thereto.

Reconsideration and withdrawal of this art grounds of rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Percy L. Square, Registration No. 51,084, at (703) 205-8034, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

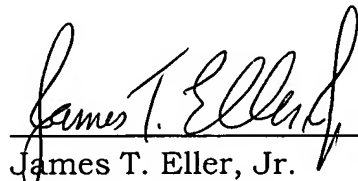
Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$110 is being filed concurrently herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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